

REMARKS

Claims 1-90 and 105-196 are now pending in the application. While Applicant disagrees with the current rejections, Applicant has made minor amendments to the claims to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in one or more continuing applications. Support for the amendments to the claims can be found throughout the drawings and specification. As such, no new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 101

Claims 66 and 167 and all claims dependent therefrom stand rejected under 35 U.S.C. § 101, as directed to non-statutory subject matter. Claims 66 and 167 are rejected under 35 U.S.C. 101 because claims 66 and 167 are drawn to a “program” *per se* as recited in the preamble and as such is non-statutory subject matter. This rejection is respectfully traversed.

Applicant amended claims 66 and 167 to recite that the computer program is stored on a computer readable medium. Per the USPTO guidelines at page 50, “functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component ... When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” **USPTO “Interim Guidelines for Examination of Patent Applications for**

Patent Subject Matter Eligibility”, October 26, 2005. “Claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.” **Page 53, USPTO “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”, October 26, 2005.**

No new matter has been entered by the foregoing amendment. For at least the foregoing reasons, Claims 66 and 167 present statutory subject matter since they recite a computer program that is stored on a computer readable medium and executable by a computer.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 1-8, 12-22, 26-36, 40-50, 54-77, 79-85, 87-90, 105-111, 115-124, 128-138, 142-152, 156-159, 161-167, 169, 171-177, 179-182, 184, 186-188 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krause et al. (U.S. Pat. No. 5,038,268). Claims 105, 118, 131, 145, 159, 167, 175, 182, 106, 119, 132, 146, 160, 168, 178, 185, 108, 121, 134, 148, 162, 170, 176, 183, 138, and 152 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Games et al. (U.S. Pat. No. 4,215,408). These rejections are respectfully traversed.

With respect to claim 1, each of the cited prior art references fails to disclose a media access controller adapted to obtain the digital data from the signal. The cited prior art references appear to be absent of any teaching or suggestion of **a media access controller**.

For example, as shown in an exemplary embodiment in FIG. 26 of the present application, a sprinkler controller 2600 associated with a particular sprinkler or group of sprinklers receives a signal (representing digital data) and controls the sprinklers accordingly. The sprinkler controller includes a media access controller (MAC) 2622 that receives the digital data. The MAC 2622 frames the digital data and filters the frames to select the frames that are addressed specifically to the sprinkler controller 2600 associated with the MAC 2622. (See Paragraph [0118] of the present application).

In contrast, Krause appears to be absent of any teaching or suggestion of a media access controller. For example, the Examiner relies on FIGS. 6A and 6B and Column 7, Lines 40-63 of Krause to disclose the media access controller. Applicant respectfully notes that FIGS. 6A and 6B illustrate "a microprocessor and memory portion" of a device. Applicant respectfully submits that the microprocessor and memory are not analogous to **a media access controller**. For example, the cited portion of Krause states:

The microprocessor and memory devices of the present invention are shown in FIG. 6, comprising FIG. 6a and 6b. The microprocessor or CPU of the present invention may, by way of example, be a Hitachi model HD64B180ROCP 6 MHz. 8-bit CMOS CPU. The microprocessor of the present invention operates in conjunction with, for example, a Hitachi model HN27C256 256K 8-bit erasable and programmable ROM or read only memory device which is used to store the program or software which controls the operation of the present invention. The microprocessor of the present invention is also designed to operate in conjunction with a random access memory such as a Toshiba model PC5564PL-15 8k-by-8 CMOS static RAM. This random access memory is used to gather and save data used during the operation of the program of the present invention, including various bookkeeping data which may be used by the operating personnel to assess the status of the irrigation controller operation. This random access memory is provided with battery backup to retain program and statistical information during power outages by a circuit such as the Dallas Semiconductor DS1216C which also provides a Real Time Clock function with battery backup.

This cited portion of Krause does not disclose that the alleged structure is, specifically, a media access controller, and instead describes several examples that are not media access controllers.

Applicant respectfully notes that a media access controller is a device that functions as an interface between a logical link layer and a physical layer in a network. Typically, a media access controller receives and frames digital data that is specifically addressed to the media access controller. For example, a network typically includes a plurality of media access controllers each associated with a different MAC address. Accordingly, a device associated with the media access controller (e.g. a sprinkler controller) receives digital control data addressed as such, and does not receive the data intended for other devices. (http://en.wikipedia.org/wiki/Media_Access_Control).

Applicant respectfully submits that the relied upon devices of Krause do not appear to be media access controllers. In view of the foregoing, Applicant respectfully submits that claim 1, as well as its dependent claims, should be allowable for at least the above reasons. The remaining independent claims, as well as their corresponding dependent claims, should be allowable for at least similar reasons.

Further, Krause, either alone or in combination with Games, fails to disclose a master unit adapted to transmit digital data, and a plurality of sprinkler controllers that each receives a signal representing the digital data and controls associated sprinklers accordingly, as claim 1 recites.

For example, as shown in an exemplary embodiment in FIG. 26 of the present application, a sprinkler controller 2600 that includes a receiver (e.g. a wireless interface

2610 or a wired interface 2606), a media access controller 2622, and a processor (e.g. MPU 2640) and that receives digital data from a master unit. For example, the master unit may include a network appliance 2512 or a PC as shown in FIG. 25 and described in Paragraph [0109]. In other words, Applicant respectfully notes that there is not merely a single device or controller that controllers all of the sprinklers. Instead, one device (e.g. the master unit) transmits the digital data and other remote devices (e.g. the sprinkler controllers) receive the digital data and each control their corresponding associated sprinklers.

Krause appears to be absent of any teaching or suggestion of this limitation and instead is directed to a single controller (e.g. the microprocessor and memory as shown in FIGS. 6A and 6B) that controls a sprinkler system. One or more of the sprinklers in the sprinkler system do not appear to be associated with a particular sprinkler controller that includes its own receiver, MAC, and processor.


In view of the foregoing, Applicant respectfully submits that claim 1, as well as its dependent claims, should be allowable for at least the above reasons. Claim 15, as well as its corresponding dependent claims, should be allowable for at least similar reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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